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THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

STATE DOCUMENTS COLLECTION

DEC 7 1982

DECEMBER 1982

VOL. III, NO. 19

MONTANA STATE LIBRARY

FINAL ISSUE
UNTIL SPRING

This is the last issue of The Interim until next June. With the completion of the third volume, this publication seems almost an institution now. Our goal of providing a concise report of interim activities remains unchanged. Your comments and suggestions are always appreciated. Have a happy holiday season and a successful legislative session.

**SHELVED WITH
PERIODICALS**

LEGISLATIVE APPOINTMENTS

CLERK AND
SECRETARY

JoAnn Owens has been appointed Chief Clerk of the House and John Larson Secretary of the Senate for the coming session.

Representative Kemmis has announced the committee assignments for the House, which are enclosed at the end of this issue.

HIRING OF PAGES

HOUSE
MEMBERS NOTE

Each Representative is allowed to recommend one Page to work one week during the session. If a Representative wants to recommend someone for page, he or she should send the name to Bonnie Wallem, Sergeant-at Arms, House of Representatives, Capitol Station, Helena, Montana 59620. If the individual being recommended for Page has a preference as to which week he or she would like to work, this should also be submitted to Ms. Wallem for scheduling purposes.

INTERIM COMMITTEES

SUMMARY
PUBLISHED

A summary of interim committee recommendations was published for the orientation and delivered to each legislator in the packet provided. An updated version will be published later this month when all recommendations have been completed. An

order form for complete reports may be found in the back of the pamphlet. Nearly all reports will become available this month.

JUDICIARY

WORK
FINISHED
NOVEMBER 13

The Subcommittee on Judiciary concluded its studies on November 13, 1982. During this meeting, members adopted the following bills in addition to the legislation previously adopted:

-- LC 14, an act revising the provisions for state grants to counties for district court assistance;

-- LC 67, an act requiring the state to assist counties in the payment of salaries for deputy county attorneys;

-- LC 70, an act permitting a defendant sentenced to death to be confined at the state prison at state expense pending execution;

-- LC 72, a joint resolution urging the Montana Supreme Court to adopt rules allowing the Court to review civil cases and to determine which cases will or will not be heard on appeal;

-- LC 90, an act to provide that the Montana Supreme Court may by written order grant or deny a criminal appeal;

-- LC 125, an act requiring the training coordinator for county attorneys to prepare and distribute a checklist of legal errors or objections; and

-- LC 135, an act to alter certain judicial district boundaries and to change the number of judges in certain districts; providing for the election of new judges.

The results of the Subcommittee's seventeen-month study will be presented in two reports: The District Courts, Indigent Defense, and Prosecutorial Services in Montana and Appellate Court Delay in Montana. Both will be ready for distribution in late December.

ADMINISTRATIVE CODE COMMITTEE

NOVEMBER
MEETING HELD

The Administrative Code Committee held a two-day meeting on November 17 and 18. Much of the meeting was devoted to discussion of bill drafts

and discussion of other possible drafting requests. The Committee gave final approval to several bills and will recommend their passage to the 48th Legislature in the Committee's report. These include bills to:

- require administrative agencies to demonstrate the "reasonable necessity" for a rule in the rulemaking record (LC 9);

- require direct mailing of notices of proposed rulemaking actions by administrative agencies to professional, trade, or industrial societies whose members would be directly affected by the proposal (LC 17);

- require that a grant of rulemaking authority be passed along with a statutory enlargement of agency functions which may be implemented by administrative rules (LC 23);

- revise the statutes relating to economic impact statements on rules to allow the preparation of impact statements on a broader range of economic/regulatory issues and to allow the Administrative Code Committee to suspend rulemaking proceedings, subject to approval by the Governor, pending the completion of the economic impact statement (LC 64).

MEETING
SCHEDULED FOR
DECEMBER 16

The Committee also requested the preparation of additional bill drafts to be reviewed at its December meeting. These include bills to:

- Amend the statute allowing the Legislature to change administrative rules by joint resolution by allowing those changes to be made only by bills. The statutory power of the Legislature to act by joint resolution was held unconstitutional in a recent district court case. This bill draft would make the statute compatible with the court's ruling (LC ____);

- Require the publication of the fact that an agency rule may not have the force and effect of law but may be advisory only (LC ____);

- Authorize the publication of Committee objections to any rule along with the rule in its published format and provide for certain legal effect to that publication in the event of a court challenge to the legality of the rule.

The Committee's next meeting will be held on December 16, 1982, and begin at 8:30 a.m. in the State Capitol.

MONTANA SALARY COMMISSION

SALARY COMMISSION RECOMMENDA- TIONS

The Montana Salary Commission met November 12 to complete its work and presented these recommendations for salaries for the next biennium: Governor, \$70,000; Lieutenant Governor, \$50,000; Chief Justice of Supreme Court, \$62,500; Justices of Supreme Court, \$60,000; Attorney General, \$55,000; State Auditor, \$36,000; Superintendent of Public Instruction, \$46,000; Public Service Commissioners (except Chairman), \$42,000; Chairman, Public Service Commission, \$44,500; Secretary of State, \$36,000; Clerk of Supreme Court, \$32,000; District Judge, \$55,000; Commissioner of Political Practices, \$27,500; Chairman, State Tax Appeals Board, \$28,500; Member, State Tax Appeals Board, \$26,500; Legislator, \$100 per day salary for each day in regular or special session or attending interim meetings plus \$50 per day expenses, 7 days a week, during regular or special sessions and expenses as allowed under 2-18-501 through 2-18-503, MCA, for interim meetings.

DISTRICTING AND APPORTIONMENT

FINAL HEARING NOVEMBER 20

On November 20, the Districting and Apportionment Commission held its final hearing prior to submission of its plan to the Legislature. Receiving much attention at the hearing were proposals for forming legislative house districts in Big Horn County and potential pairings of house districts into senate districts in western Montana.

In Big Horn County, faced with the choice of dividing the majority of the people on the Crow Reservation between two house districts or dividing the town of Hardin between two districts, the majority on the Commission opted to keep the reservation intact. The Commission unanimously voted to combine the two house districts involved into one senate district, consisting of all of Big Horn County, the Northern Cheyenne Reservation and Ashland Division in Rosebud County, and Powder River County west of the Powder River.

Presented with new alternatives for the pairing of the house districts into senate districts in western Montana, and uncertain of the least

harmful pairing in an area where no "perfect" solution exists, the Commission left unchanged the senate districts set at the October meeting, including the pairing of the Big Fork (district 226) and Powell County (105) districts. However, the majority on the Commission did specifically request suggestions from the legislators on better pairings and formally acknowledged "that we realize that the alignment of senate districts in western Montana may not be the best possible alignment."

In another area, the majority on the Commission reversed its decision of October 6 by readopting plan 5 in the Glacier County area. Plan 5 will place western Pondera County (Dupuyer, Heart Butte) with Teton County; the remainder of Pondera County is left intact and joined by a portion of Cut Bank. This decision regarding house districts is most significant in its effect on the area's senate districts. Pondera and Teton Counties will be combined into one senate district, as will Glacier, Toole, and Liberty Counties. However, Cut Bank will be divided between two senate districts.

PLAN TO BE
PRESENTED
JANUARY 5

In other matters, the Commission met with the newly elected legislative leadership and set January 5, 1983 at 1:30 p.m. in the House Chambers as the time and place for the Commission's delivery and general presentation of the plan to the Legislature. This hearing will be informational in nature only. There will be opportunity for more specific discussion at later hearings during the month of January.

CORRECTIONS TASK FORCE

The Corrections Task Force has continued to meet twice a month and plans to meet December 6 and December 17 to wrap up its work. In November, the Task Force received the report of The Parrish Architects concerning renovation of the old Montana State Prison in Deer Lodge. On Monday, the 6th, the Task Force will hear the administration's analysis of the report and consider construction alternatives. The Task Force has concluded that 184 to 200 additional higher security housing units are needed. The question remains where and how to build them.

LEGISLATIVE AUDIT COMMITTEE

MEETING
DECEMBER 16
AND 17

The Legislative Audit Committee, consisting of Senators Matt Himsl, Chet Blaylock, Judy Jacobson, and Frank Hazelbaker, and Representatives Kathleen McBride, Robert Anderson, Jim Burnett, and Steve Waldron, will meet December 16 and 17 in Room 108 of the State Capitol. At the previous Legislative Audit Committee meeting, Senator Brown submitted his resignation as a Committee member. The Committee accepted Senator Brown's resignation with regret and expressed its appreciation for his service over the years. Senator Judy Jacobson was appointed unanimously to serve as a member of the Committee.

REPORTS TO
BE ISSUED

The Committee will receive and review the following financial/compliance audit reports:

Judicial Branch
Department of Health and Environmental Sciences
Board of Public Education

Contract Audits:

School for the Deaf and Blind
Crime Control Division
Veterans' Home
Pine Hills School
Board of Investments
Eastmont Human Services Center
Western Montana College
Montana College of Mineral Science and
Technology
Department of Public Service Regulation
Health Benefits

SUNSET AUDITS

The Committee will discuss proposed Sunset legislation.

PERFORMANCE
AUDIT

Liquor Division

REPORTS

Following the meeting, copies of all reports are available from the Office of the Legislative Auditor, Room 135, State Capitol, telephone 449-3122.

ENVIRONMENTAL QUALITY COUNCIL

NOVEMBER 23
MEETING

The Environmental Quality Council met Tuesday, November 23, to consider a number of natural resource issues, including implementation of the Montana Environmental Policy Act (MEPA), the subdivision review process, wind energy incentives, small-scale hydro development, and others.

MEPA, EIS
DISCUSSED

Following a staff report on the status of implementation of MEPA, the Council discussed at length alternatives for resolving how environmental impact statements (EIS), required by the statute, are to be used. Paramount to the discussion was the question of how environmental impacts identified in an EIS are to be considered in the decision to grant or deny a permit by a state agency. In order to resolve the confusion concerning this question and others concerning MEPA, the Council directed staff to work with industry, state government, and conservation groups to draft alternatives clarifying the applicability of MEPA.

SUBDIVISION
REVIEW
FUNDING
URGED

After a discussion with Dr. Drynan and other officials of the Department of Health and Environmental Sciences concerning review of subdivisions under the Sanitation in Subdivisions Act, the EQC adopted a motion urging the Governor to reconsider requesting a supplemental appropriation to provide adequate funding for the reestablishment of an adequate subdivision review function within the Department of Health and Environmental Sciences. The EQC intends to pursue the issue further at future meetings.

The EQC Subcommittee on Environmental Regulation and the Economy also met recently to follow up on its Public Forum held in October. The Subcommittee discussed a preliminary draft of proceedings of the Forum. The final proceedings document of issues raised at the Public Forum will be available shortly.

The EQC will meet again early in the legislative session to follow up on the above items and other legislative concerns. The meeting is tentatively set for January 6 and 7, pending the legislative schedule.

EQC/ROC SUBCOMMITTEE

HARD-ROCK MINING

The EQC/ROC Hard-Rock Mining Subcommittee met on November 22 in Helena to complete its deliberations on the interim study of the socio-economic impacts of large-scale mineral development. In addition to conducting a hearing on its draft report which was issued several weeks ago, the subcommittee discussed legislative proposals to modify the metal mines license tax and to adjust the distribution of mining property tax revenues among local governments to ensure that impacts are equitably mitigated. The public comments received on the 22nd, along with several bill drafts on the taxation matters, will be incorporated into a final report which will be submitted to the Legislature in January.

LEGISLATIVE COUNCIL

INTERNS SELECTED NOVEMBER 18

The Legislative Council selected interns and assigned sponsors at its November 18 meeting. The interns and their sponsors are:

University of Montana - Richard Mark Josephson - Representatives Ramirez, Nordtvedt, and Harp; Barbara Leslie Vining - Senators Thomas, Stimatz, and Daniels; Daniel F. Crowley - Senators Lee, Keating, and Story.

Montana State University - Cherie Lynne McNett - Senators Eck and Christiaens; Mary Carol Mehrens - Senators Aklestad and Brown; and Patricia J. Jensen - Senators Towe and Dick Manning.

Western Montana College - Robert M. (Mike) Miller - Representatives Hemstad, Kitselman, and Winslow.

Northern Montana College - Byron L. Ophus - Senators Dover and McCallum.

Montana College of Mineral Science and Technology - John P. DeBolt - Representatives Harrington, Jacobsen, and Roush.

Rocky Mountain College - Marianne Barrick - Representatives Curtiss and Marks.

College of Great Falls - Bunny Albers - Representatives Bengtson, Farris, and Holliday.

CODE PRINTER
SELECTED

At a bid opening November 30, the Darby Printing Company of Atlanta, Georgia was chosen to print the 1983 Montana Code.

SENATE JOINT RESOLUTION NO. 34

FINAL
MEETING HELD

The final meeting of the Legislative Advisory Committee was held following a public hearing on the study results. In this final meeting, the Committee directed the health planning staff to prepare a report that the Committee can present to the full Legislature. The Committee also requested that legal staff from the Legislative Council prepare draft legislation. With these documents in hand, the accomplishments of the study conducted under SJR 34 -- clarification of personal care, more readily understandable service definitions and service structures, realignment of misapplied license categories, and one-step licensing -- will rest with decisions made in the upcoming legislative session.

LEGISLATIVE INTERIM CALENDAR

DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6 CORRECTIONS TASK FORCE Rm 104, 9 am	7	8	9	10	11
12	13	14	15	16 ADMINISTRATIVE CODE COM. 8:30 All Day	17 CORRECTIONS TASK FORCE Rm 104, 9 am	18
19	20	21	22	23	24	25 MERRY CHRISTMAS! 
26	27	28	29	30	31	

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BLISS, Brent
BENGTON, Esther
ERNST, Gene
HANSON, Marian
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JENSEN, William (Ray)
KOEHNKE, Francis
LYBECK, Ray
ROUSH, Glenn
RYAN, John
SAUNDERS, Glenn
SCHULTZ, James
SPAETH, Gary
UNDERDAL, Melvin

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WINSLOW, Cal

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HART, Marjorie
HOWE, Ramona
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KITSELMAN, Les
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SCHULTZ, Jim
WALLIN, Norm

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FAGG, Harrison
HAND, Bill
IVERSON, Dennis
JENSEN, Jim
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350 copies of this public document were published at an estimated cost of \$.40 per copy, for a total cost of \$140.30, which included \$70.00 for printing and \$70.30 for distribution.

